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May 10, 2016

VIA ECF AND ELECTRONIC MAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, New York 10004-1408
Bernstein.chambers@nysb.uscourts.gov

Re: Picard v. RAR Entrepreneurial Fund, Ltd., Adv. Pro. No. 10-04352 (SMB);
Picard v. Laura Ann Smith Revocable Living Tr., Adv. Pro. No. 10-05184 (SMB);
Picard v. Trust U/ART Fourth O/W/O Israel Wilenitz, et al., Adv. Pro. No. 10-04995
(SMB) (“*Wilenitz*”)

Dear Judge Bernstein:

We are counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* and the estate of Bernard L. Madoff.

At the request of the Clerk of the Bankruptcy Court, the parties are available for a hearing on May 17, 2016 at 10:30 a.m. regarding the Trustee’s letter dated April 6, 2016 seeking permission to file a motion for a protective order regarding discovery served by the Defendants in the *Wilenitz* matter. [ECF No. 63.]

At the direction of the Clerk of the Bankruptcy Court and in light of Mr. Dexter’s May 2, 2016 letter to the Court in which he asked for permission to seek certain relief in the *Wilenitz* case and also raised objections to bank subpoenas in four other adversary proceedings, [ECF No. 64], the Trustee respectfully requests clarification as to whether the Court intends to address those additional issues at the May 17, 2016 conference. As the Trustee stated in his May 4, 2016 response letters,¹ (*Picard v. RAR Entrepreneurial Fund*, ECF. No. 94; *Picard v. Smith Revocable*

¹ Windels Marx Lane & Mittendorf represents the Trustee in two of the cases addressed in Mr. Dexter’s May 2, 2016 letter. Windels Marx submitted their response on behalf of the Trustee on May 4, 2016. *See Picard v. Roger Rechler Revocable Trust*, Adv. Pro. No. 10-04474 (SMB) [ECF No. 52] and *Picard v. Reckson Generation et al.*,

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Living Trust, Adv. Pro. No. 10-05184 (SMB), ECF No. 49), it is our position that those objections are frivolous and accordingly, we do not believe a hearing on that subject is warranted.

Respectfully submitted,

/s/ Edward J Jacobs
Edward J. Jacobs

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